

77-40-102. Definitions.

As used in this chapter:

(1) "Administrative finding" means a decision upon a question of fact reached by an administrative agency following an administrative hearing or other procedure satisfying the requirements of due process.

(2) "Agency" means a state, county, or local government entity that generates or maintains records relating to an investigation, arrest, detention, or conviction for an offense for which expungement may be ordered.

(3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.

(4) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with a case that is the subject of a petition for expungement is eligible for expungement.

(5) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.

(6) "Department" means the Department of Public Safety established in Section 53-1-103.

(7) "Drug possession offense" means an offense under:

(a) Subsection 58-37-8(2), except any offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more of marijuana, any offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional facility or Subsection 58-37-8(2)(g), driving with a controlled substance illegally in the person's body and negligently causing serious bodily injury or death of another;

(b) Subsection 58-37a-5(1), use or possession of drug paraphernalia;

(c) Section 58-37b-6, possession or use of an imitation controlled substance; or

(d) any local ordinance which is substantially similar to any of the offenses described in this Subsection (7).

(8) "Expunge" means to seal or otherwise restrict access to the petitioner's record held by an agency when the record includes a criminal investigation, detention, arrest, or conviction.

(9) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

(10) "Petitioner" means a person seeking expungement under this chapter.

(11) "Traffic offense" means all offenses in the following parts and all local ordinances that are substantially similar to the offenses:

(a) Title 41, Chapter 6a, Part 3, Traffic-Control Devices;

(b) Title 41, Chapter 6a, Part 6, Speed Restrictions;

(c) Title 41, Chapter 6a, Part 7, Driving on Right Side of Highway and Passing;

(d) Title 41, Chapter 6a, Part 8, Turning and Signaling for Turns;

(e) Title 41, Chapter 6a, Part 9, Right-of-Way;

(f) Title 41, Chapter 6a, Part 10, Pedestrians' Rights and Duties;

(g) Title 41, Chapter 6a, Part 11, Bicycles, Regulation of Operation;

(h) Title 41, Chapter 6a, Part 12, Railroad Trains, Railroad Grade Crossings, and Safety Zones;

(i) Title 41, Chapter 6a, Part 13, School Buses and School Bus Parking Zones;

(j) Title 41, Chapter 6a, Part 14, Stopping, Standing, and Parking;

- (k) Title 41, Chapter 6a, Part 15, Special Vehicles;
- (l) Title 41, Chapter 6a, Part 16, Vehicle Equipment;
- (m) Title 41, Chapter 6a, Part 17, Miscellaneous Rules; and
- (n) Title 41, Chapter 6a, Part 18, Motor Vehicle Safety Belt Usage Act.

Amended by Chapter 199, 2014 General Session